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Hearing Date: May 21, 2009  
Time: 10:00 a.m.

Objections Due: May 14, 2009  
Time: 4:00 p.m.

Attorneys for Irving H. Picard  
Trustee for the SIPA Liquidation of Bernard  
L. Madoff Investment Securities LLC

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-1789 (BRL)

SIPA Liquidation

Chapter 7

No. 09-11893 (BRL)

**NOTICE AND JOINT MOTION FOR ENTRY OF  
ORDER SUBSTANTIVELY CONSOLIDATING THE ESTATE  
OF BERNARD L. MADOFF INTO THE SIPA PROCEEDING  
OF BERNARD L. MADOFF INVESTMENT SECURITIES LLC**

**PLEASE TAKE NOTICE**, that upon the motion (the “Motion”) of Irving H. Picard, trustee (“Trustee”) for the liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act (“SIPA”) and the Securities Investor

Protection Corporation (“SIPC”), and the Memorandum of Law and Affidavit of Michael Slattery, Jr. filed simultaneously herewith, the undersigned shall move before the Honorable Burton R. Lifland, United States Bankruptcy Judge, at the United States Bankruptcy Court, One Bowling Green, Courtroom 623, New York, New York 10004, on the **21st day of May, 2009 at 10:00 a.m.** (the “Hearing”), or as soon thereafter as counsel can be heard, for the entry of an order, substantially in the form annexed hereto as Exhibit “A”, substantively consolidating the Chapter 7 estate of Bernard L. Madoff (“Madoff”) into the SIPA proceeding of BLMIS, and for such other, further or different relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that objections, if any, to the relief sought in the Motion, shall (i) be in writing, (ii) conform to the Federal Rules of Bankruptcy Procedure, Local Bankruptcy Rules and General Orders, (iii) specify the name of the objecting party and state with specificity the legal and factual basis of the objection(s), (iv) be filed in accordance with the electronic filing procedures for the United States Bankruptcy Court for the Southern District of New York, with a proof of service, and a courtesy copy delivered to the chambers of the Honorable Burton R. Lifland, One Bowling Green New York, New York 10004, (v) served upon on Baker & Hostetler LLP, Counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: David Sheehan, Esq., and (vi) served upon the Securities Investor Protection Corporation, 805 Fifteenth Street, NW, Suite 800, Washington, DC 20005, Attn: Kevin H. Bell, Esq., so as to be actually filed and received no later than **May 14, 2009 at 4:00 p.m.**

**PLEASE TAKE FURTHER NOTICE**, that if you do not object to the relief sought in the Motion, no appearance at the Hearing is necessary.

**PLEASE TAKE FURTHER NOTICE**, that the Hearing on the Motion may be adjourned from time to time without further notice other than the announcement of such

adjournment in open court.

Dated: New York, New York  
May 5, 2009

By: *s/*David J. Sheehan  
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